IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3150 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.C.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

HASMUKHBHAI CHHAGANBHAI MARADIA

Appearance:
MR KS JHAVERI for Appellant
MR SHAKEEL A QURESHI for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.C.PATEL

Date of decision: 26/06/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. On a joint request of the learned counsel for the respective parties, this appeal is taken up for final hearing today.

2. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 at the instance of the Gujarat State Road Transport Corporation, being the owner of the vehicle involved in the accident.

3. The appellant herein challenges the judgment and order of the Motor Accident Claims Tribunal (Main), Bhavnagar wherein the Tribunal has allowed the claim petition of the present respondent no. 1, and awarded compensation of Rs.3,00,000/- with interest etc., for the injuries sustained by him.

4. We have heard the learned counsel for the respective parties, carefully perused the impugned judgment and award and have also examined such documentary material on record to which our attention has been drawn.

4.1 As a result of the hearing and discussion, we find that there is some scope for a slight reduction in the amount of compensation awarded to the claimant, in view of the evidentiary material on record and the submissions made by the learned counsel for the appellant. Moreover, learned counsel for the respective parties state that the fair and just amount of compensation which ought to be awarded to the claimant is left to the discretion of the court, after hearing the learned counsel and after perusing the evidentiary material on record, as aforesaid. The learned counsel for the respective parties also state that reasons for awarding the just and reasonable amount of compensation in the aforesaid circumstances, need not be given by the court.

5. In the premises aforesaid, we have carefully applied our minds to the fact situation, and the evidentiary material on record, and consequently we find that the interests of justice would be met, if the amount of compensation of Rs.2,80,000/- (Rupees two lakhs eighty thousand only) is awarded to the claimants (under all the Heads), and that this figure of compensation would be fair, just and equitable to both the appellant as also the respondent - claimant.

6. We, therefore, hold and direct that the first

respondent - claimant shall be entitled to total compensation under all the Heads in the amount of Rs.2,80,000/- instead of Rs.3,00,000/-, as determined by the Tribunal in the impugned judgment and award. We hold and find accordingly. This appeal is, therefore, partly allowed with no order as to costs.

6.1 The impugned award shall stand modified only to the aforesaid extent and the rest of the award stands confirmed.

7. Decree accordingly.

8. It is stated by the learned counsel for the appellant that some part of the impugned award has already been deposited with the Tribunal. He further states that the balance amount of the award, as modified by the present judgment and decree, shall be deposited with the Tribunal together with interest at the rate of 12% per annum, within four weeks from today.

(Y.B. Bhatt, J.)

(M.C. Patel, J.)

hki